



matters between the parties have been concluded.

5. Defendants, with the agreement of Plaintiff (except as to the form of this motion and the form of the proposed Order), ask the Court to seal all records related to this case because of the salacious and unproven allegations contained in the record. Both parties believe that justice would be served by the court sealing the record in this case.

### **B. ARGUMENT**

6. Every court has supervisory power over its own records and files. *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597-98, 98 S. Ct. 1306, 1312, 55 L.Ed. 2d 570 (1978). A motion relating to access to the court's files can be considered long after the merits of the underlying litigation have been resolved. *Macias v. Aaron Rents, Inc. et. al.*, 288 Fed. Appx., 913 (5<sup>th</sup> Cir. Tex.2008).

7. The court may seal court records if the interests favoring nondisclosure in a particular case outweigh the presumption in favor of the public's common-law right of access to judicial records. *United States v. Amodeo*, 44 F.3d 141, 146-47 (2d Cir. 1995); *see Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597-98, 98 S. Ct. 1306, 1312, 55 L.Ed. 2d 570 (1978).

8. The court should seal the entire record in this case because the records may be used to gratify public spite or promote public scandal. *Nixon*, 435 U.S. at 598, 98 S. Ct. at 1312. In addition, the records may be used for libelous statements in the press. *Nixon*, 435 U.S. at 598, 98 S. Ct. at 1312. The records may be used to harm Defendants' competitive business standing. *Nixon*, 435 U.S. at 598, 98 S. Ct. at 1312.

### **C. CONCLUSION**

9. For these reasons, Defendants, with the agreement of the Plaintiff except as to form, ask

the Court to seal the entire record in this matter.

Respectfully submitted,

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**ATTORNEYS FOR ALL DEFENDANTS**

**CERTIFICATE OF CONFERENCE**

I hereby certify that a conference was held on this Motion between myself and counsel for Plaintiffs in this action. Plaintiff is unopposed to sealing the entire court record, but the parties could not reach agreement on the form of the Motion or Order.

s/Stan Broome  
Stan Broome

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon counsel for all parties via ECF and/or certified mail, return receipt requested on this the 13<sup>th</sup>, day of April 2009.

s/Stan Broome  
Stan Broome